

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LAURENE L. TUCKER,

Plaintiff,

v.

1:04-CV-1327
(FJS/RFT)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

APPEARANCES:

ERWIN, McCAIN LAW FIRM
Attorney for Plaintiff
23 Elk Street
Albany, New York 12207

OF COUNSEL:

THOMAS C. ERWIN, ESQ.

HON. GLENN T. SUDDABY
United States Attorney for the
Northern District of New York
Attorney for Defendant
PO Box 7198
100 South Clinton Street
Syracuse, New York 13261

WILLIAM H. PEASE
Assistant United States Attorney

FREDERICK J. SCULLIN, S.D.J.:

DECISION AND ORDER

Presently before the Court is Magistrate Judge Randolph E. Treece's February 20, 2008 Report-Recommendation in which he recommends that the Commissioner's decision denying disability benefits be affirmed, and the Court having reviewed the Report-Recommendation and the entire file in this matter and no objections to said Report-Recommendation having been filed,

the Court hereby

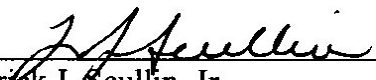
ORDERS that the Report-Recommendation filed by Magistrate Judge Randolph E. Treece on February 20, 2008 is, for the reasons stated therein, accepted in its entirety; and the Court further

ORDERS that the Commissioner's decision denying disability benefits is **AFFIRMED**, and the complaint is **DISMISSED** in its entirety, and the Court further

ORDERS that the Clerk of the Court enter judgment in favor of the defendant and close this case.

IT IS SO ORDERED.

Dated: April 2, 2008
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge